

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

PRIVILEGE AHRC,

Petitioner,

v.

Civ. No. 22-511 KWR/GJF

JOHN M. GARCIA, *in his official  
capacity as director of the NM SBA  
Office,*

Respondent.

**ORDER**

THIS MATTER is before the Court on Petitioner’s “Ex Parte Motion for Extension of Time to File Reply” [ECF 24] (“first Motion”) and his “Motion for Extension of Time to File Response/Reply” [ECF 26] (“second Motion”). For the reasons that follow, the Court hereby **GRANTS IN PART** and **DENIES IN PART** the motions.

When Petitioner first attempted to extend his reply deadline, the Court gave Respondent seven days to object or the Court would grant the extension. ECF 23; D.N.M.LR-Civ. 7.1(b). Simultaneously, the Court observed that Plaintiff failed to “seek the concurrence or objection to the motion from opposing counsel[ ] in violation of Local Rule 7.1(a)” and instructed him to “comply with [the Local Rules].” ECF 23 at 1.

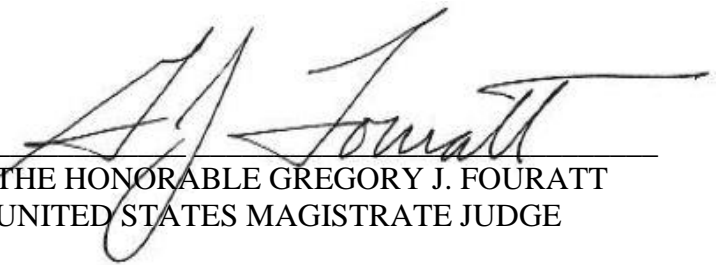
Respondent did not object to the first Motion, effectively consenting to extension. Therefore, the Court finds good cause to permit extension. Petitioner’s *second* motion, however, says nothing about Respondent’s position on the requested extension or whether Petitioner even attempted to obtain Respondent’s opinion. *Compare* ECF 26, with D.N.M.LR-Civ. 7.1(a) (“[The party submitting the motion] **must determine whether a motion is opposed**, and a motion that omits recitation of a good-faith request for concurrence **may be summarily denied**.” (emphasis

added)). Thus, because the Court is duty-bound to compel Petitioner's adherence to the Local Rules, his request for extension must be summarily denied.

**IT IS THEREFORE ORDERED** that Petitioner has until **January 28, 2023**, to file a reply in support of his Motion for Summary Judgment [ECF 16].

**IT IS FURTHER ORDERED** that Petitioner's second Motion [ECF 26] is **DENIED WITHOUT PREJUDICE**.<sup>1</sup>

**SO ORDERED.**



THE HONORABLE GREGORY J. FOURATT  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Denial without prejudice allows Petitioner an opportunity to move for extension a second time. The Court cautions Petitioner, however, that he must comply with the Local Rules **and confer with Respondent for its position next time**.